IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 5234 of 1994

For Approval and Signature:

HONOURABLE MR.JUSTICE P.B.MAJMUDAR

==========

1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

==========

KUMARI DIPTI NANALAL JATANIYA
Versus
STATE OF GUJARAT AND OTHERS

==========

Appearance :
MR PV HATHI for Petitioner.
MS FALGUNI PATEL, AGP for Respondents.

==========

CORAM : HONOURABLE MR.JUSTICE P.B.MAJMUDAR

Date : 10/10/2006

ORAL JUDGMENT

By filing this petition, the petitioner has prayed that appropriate direction may be given to the respondents to continue her in service as full-time lecturer. It is also prayed that her services may not be

terminated. The petitioner was appointed as ad-hoc lecturer in a Government college vide order dated 29-1-1994. As per the conditions attached with the appointment order, her services can be terminated at any point of time without notice. It is also mentioned that she is appointed purely on ad-hoc basis and as and when any GPSC selected candidates is available or any other employee is available by way of transfer from other department, her services can be terminated. Said order is challenged by the petitioner on various grounds.

In response to the petition, affidavit-in-reply has been filed by Joint Director, Commissioner of Higher Education Office, Gandhinagar. In paragraph 5 of the affidavit, it is stated as under :

> "I say and submit that the present petitioner Kum. Dipti N. Jatania was appointed as ad-hoc lecturer. However, without intimating the Principal, R.R.Lalan College or without obtaining prior permission of Commissioner of Higher Education, she has left her service and has gone elsewhere. Moreover, she is not working as an ad-hoc lecturer in R.R.Lalan College, Bhuj. Hence no dispute is certified now."

Mr.Hathi, learned advocate for the petitioner states that he has not received any instructions from his client with regard to aforesaid aspect.

Considering the averment made in the affidavit-in-reply, which is not controverted by filing rejoinder, it is clear that the petition has become infructuous, as the petitioner has already left the services. Since the petitioner is not in service, now there is no question of giving any direction that petitioner should be continued in service till GPSC selected candidate is available or till she is replaced by any other employee by way of transfer.

It is not necessary to examine the merits of the case, in view of the fact that the petitioner has left the services. Accordingly, this petition is disposed of as having become infructuous. Rule is discharged with no order as to costs. Interim relief granted earlier stands vacated.

(P.B.Majmudar, J.)

/malek